

Stenographic Transcript Of

HEARINGS

Before The
Conference Committee

of the

Senate Committee on Public Works

and the

House Committee on Interstate and Foreign Commerce

CONGRESS OF THE UNITED STATES

CONFERENCE COMMITTEE -- CLEAN AIR ACT

Washington, D. C.

September 23, 1976

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CONFERENCE COMMITTEE -- CLEAN AIR ACT

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THURSDAY, SEPTEMBER 23, 1976

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Congress of the United States,

Conference Committee of the
Senate Committee on Public
Works and the House Committee
on Interstate and Foreign
Commerce,

Washington, D. C.

The conference committee met at 1:30 p.m., pursuant to call, in room S-126, The Capitol, Senator Edmund S. Muskie and Representative Harley O. Staggers (chairmen of the conference committee) presiding.

Present: Senators Muskie, Randolph, Gravel, Hart, McClure and Dominici; Representatives Staggers, Rogers, Devine, Carter, Broyhill, Satterfield, Preyer, Symington, Scheuer, Waxman, Carney, Maguire and Culver.

Also Present: Leon Billings, Senate Majority Counsel and Jeff Schwartz, House Minority Counsel.

Representative Rogers (presiding). The conference will come to order, please, and we will see if we can proceed, hopefully, to finish the bill today and it is going to be a formidable task and we hope that people can try to keep remarks at a minimum, if possible.

Senator Muskie, I think you had something you might want to suggest.

1 Senator Muskie. Mr. Chairman, staffs on both sides since
2 we last met gathered some packages of trade-offs and we
3 discussed or we began discussion of some of them in the
4 Senate committee when we were interrupted by votes on the
5 Senate floor.

6 It is obvious in order to pursue that approach it would
7 require a certain amount of blind voting and our Members,
8 without exception, were very reluctant to do that so it isn't
9 quite an appropriations bill where you go down the middle
10 on trade-off items so that didn't seem to hold much promise.

11 We have wrestled since with some suggestions of at least
12 reducing the size of the problem that we are faced with here
13 and one suggestion that I throw out for discussion is that
14 we eliminate everything that was not considered in both Houses
15 and then try to resolve our differences with respect to those
16 items that were considered in both Houses. That would have
17 the advantage of reducing the number of items but also
18 eliminating those items which would require the education of
19 one House or another before it could come to grips with the
20 issue which was handled by the other House.

21 That sounds like a very attractive option until Members
22 begin to look at things that would be eliminated and then ---

23 Senator McClure. Also the ones that would not be
24 eliminated.

25 Senator Muskie. So I am sure Members would want to do

1 some thinking on that but that is a way of cutting the
2 Gordian knot of the magnitude of the way we are trying to do
3 things.

4 The fact is that those things handled in one House and
5 not the other, it is awfully time-consuming to spell out the
6 elements of the issue and get a resolution on it. If we were
7 to do that, we could kill this afternoon in a very short
8 time.

9 So that is one option and I throw it out for discussion.

10 Representative Rogers. I think Members will just have
11 to look at the list, if we could, and make a quick judgment
12 on this.

13 Senator Muskie. I have this one.

14 Representative Rogers. I presume that we have this
15 option, we can proceed as we were, going item by item on
16 proposed recommendations of staff or, where they had none
17 for us, to go on and mention them, too. We can proceed that
18 way or maybe there would be no bill. Like you say, we have
19 to come to some format to try to do this in the time allotted
20 to us.

21 If Members would look down this list that the Senate
22 staff has prepared ---

23 Senator Muskie. This is a list of items that were in
24 both bills. There may be a couple of errors but essentially
25 that is the objective, presumably the items of both Houses

1 and eliminate all the others.

2 Representative Carter. I am looking at one for the first
3 time but I would like to have -- since it is the first time,
4 I hope it would not be too embarrassing if I ask what these
5 things are that are in, not what is out.

6 Representative Rogers. This is the list that would be
7 in both bills. It does leave out -- here are some immediately
8 left out: indirect sources provisions are left out; procedures
9 are left out; Congressional review left out; citizens suits,
10 the fine particulate study; monitoring; economic report; loss
11 of pay; research and development, which is Brown's bill and
12 is simply the research.

13 Representative Carter. Mr. Chairman, I would like to
14 ask if you have retained the concept that we should preserve
15 primary and secondary standards throughout the legislation
16 in ever case? Is that part of this legislation? Does it go
17 through it consistently all the way through?

18 Senator Muskie. This would simply be the agenda.
19 Limiting the discussion to this list does not mean we accept
20 any form with respect to these.

21 Representative Carter. I just wanted an answer to my
22 question.

23 Senator Muskie. What you are asking is to characterize
24 each of the bills.

25 Representative Carter. Senator, if you will permit me,

1 we have primary and secondary standards which are kept in
2 some areas and then for certain areas we increase them, we
3 knocked that out in the House but I understand they would like
4 to give a variance for certain areas or groups. I believe if
5 we are going to impose certain standards in one area, they
6 should be applied across the board.

7 Senator Muskie. I agree.

8 Representative Carter. All right, sir, with that under-
9 standing.

10 Senator Muskie. I didn't realize that concept was
11 challenged in the bill.

12 Representative Broyhill. Mr. Chairman, are you proposing
13 to vote on this as a package or to go down it item by item?
14 What I am asking is, is this the agenda and you would go down
15 item by item?

16 Representative Rogers. It would throw out anything not
17 in both bills first off and then you would handle these
18 particular items.

19 Representative Broyhill. Let me first see a list of what
20 is not in here.

21 Representative Rogers. We are trying to get that now.

22 Representative Broyhill. I can do that myself but I
23 thought maybe we had ---

24 Representative Rogers. No, this was just presented to us.
25 It seems to me it may be difficult to do this.

1 Representative Broyhill. What Act, Section 209, is that
2 on this list?

3 Representative Rogers. Yes, 209 is on this list.

4 Senator Muskie. There are 13 Senate items.

5 Representative Staggers. How many House items?

6 Representative Rogers. Quite a number that we have
7 looked at.

8 Representative Staggers. I certainly would be remiss,
9 I mean would be very hesitant to not consider those which
10 the Senate had passed and debated and worked on in the bill,
11 Senator.

12 Senator Muskie. Yes, I understand. If we all persue our
13 reluctances, we are not going to get a bill.

14 Representative Rogers. Could we do this?

15 Representative Broyhill. Would you rather have this bill
16 or the present Act?

17 Senator Muskie. In more respects than not, I would
18 rather have the present law.

19 Representative Broyhill. Maybe that is the way we can
20 do it. Maybe we can do something about extending '77 auto
21 standards for one year and then let's rise and report back.

22 Representative Devine. I think that is a very logical
23 solution.

24 Representative Rogers. It is possible.

25 Senator McClure. Whether it is local or not, it is
possible.

1 Representative Staggers. One thing is this, we all know --

2 Representative Broyhill. We are going to make a lot of
3 people upset. We can do that and see what happens. At least
4 the Senator has taken his stand at least, or his preference,
5 maybe there are others. They could say at least the present
6 Act everybody knows what that is, everybody understands it
7 on both sides.

8 Senator Muskie. Let me state my position more fully
9 that the Senate bill, as in the case of the House bill, I
10 am sure, is the product of long days of work by the Senate
11 committee and our membership represents a wide diversity of
12 philosophies and views, as in your case, and we were able to
13 put together a bill which was virtually unanimously, with one
14 or two exceptions, supported by that membership on the Senate
15 floor and for that reason I have supported it even though I
16 might prefer the present law in significant places.

17 I think that is the way the legislative process works
18 and I would not want my view at this point in the process to
19 frustrate that if it is avoidable but I don't know how, as
20 a practical matter, with the time constraints, that we can
21 do justice to either bill.

22 I would need some education and persuasion to support
23 some of the provisions that trouble me. It is a thoughtful
24 piece of work done in the House as well as in our committee
25 and we don't have the time now to really sit down and match

1 the two and hammer out the issues. That is what I would
2 honestly prefer. When you ask me the question, I would not
3 prefer to settle for the present law because I know that the
4 present law would not stand up.

5 I like the way the present law is modified by the Senate
6 version of the bill and, if we could get it passed -- I am
7 sure you feel the same way about yours -- that if it could be
8 passed, we could calm some of the troubled waters that have
9 swirled about this matter and we could make some progress in
10 dealing with the problem.

11 But if we can't do that, there is something shorter
12 that we can do. I mean we can scratch our heads and try to
13 figure out a way and try to get some meaningful things to build
14 upon next year. That is what we are really trying to do.

15 Representative Broyhill. I think what I was saying --
16 I understand the Senator's views. The present Act, of course,
17 is there. You have many provisions in this bill that are
18 intending to take court decisions or things that the agency
19 is already doing and putting them into law, so it seems to
20 me that you have the basic statute that would make sure that
21 we are making continued progress on cleaning up the air but
22 you at least would have an opportunity to have more considera-
23 tion of whatever changes in policy you would want to make.

24 Senator McClure. I think I should state in this
25 conference what I stated in the meeting of the Senate Conferees

1 this morning. I wish I thought it were possible for us to
2 sit and thrash out the differences between the bills because
3 I think there are some massive unresolved problems in the
4 current law. And the question whether we like this or like
5 that, there are problems that will have to be resolved that
6 are embedded in the present law.

7 I am persuaded, however, after having looked at the list
8 of what is included as well as what is excluded, if we adopt
9 the suggestion that we take only what is in both bills, I
10 don't think we can do that as a practical matter.

11 Then I get down to if we can't do that either and do
12 justice to the provisions discussed in that long list, then
13 how do we meet a commitment that many of us felt had been
14 made a long time ago to address a specific problem that has
15 a time frame, and that is in regard to the standards for the
16 production of 1978 automobiles which have to go into their
17 testing phase very soon.

18 The auto industry is totally exposed on their '77 models.
19 They got a little help in the latitude under the Administrator
20 but under current law he can't give the same latitude for '78
21 models, so someone will be violating the law.

22 So the Congress, if it can't act now, will have to act
23 early next spring at least on that much.

24 To me the strategy, the only thing that really has to
25 be done right now or by early next spring, desirable as the

1 others might be, is dealing with the auto standards for '78.

2 The question, it seems to me, is, is it better to treat
3 that item separately now or in January of February of is it
4 better to try to treat all of them together?

5 My judgment is not very clear on this. I would be willing
6 to accept a decision that we pull out the auto emission
7 standards and try to deal with that entire package at this
8 time or perhaps what is more realistic, that we just simply
9 try to pass the '78 standards on which the House and Senate
10 have no difference in the bill. We are exactly the same on
11 that bill and we could get back to the other part next year.

12 Representative Rogers. If we are going to accept the
13 present law, I think we should accept it. I would not want
14 to have any changes at this time. Maybe next year we will
15 look and see. I agree, that something has to be done. I am
16 not sure I would want to handle one segment of industry with-
17 out addressing all. If we do not agree, we should let present
18 law prevail and let the Congress look at it.

19 Representative Broyhill. He was talking about one year.

20 Representative Rogers. I understand that, but I would
21 not be agreeable to doing anything, as far as I am concerned
22 now, in changing the law at all unless we go through the
23 process. I think we can go ahead on the item-by-item basis,
24 the staff has gone over all the items, made some recommenda-
25 tion, many of which in the latter part are not controversial.

1 We have already agreed on 22 of some 75 items and many
2 of those in the latter part are not difficult to agree with.
3 For instance, I don't think the California waiver, this sort
4 of thing, many of those can be agreed to. We do have three
5 or four hard issues but other than that I don't think it is
6 going to be very difficult if we all will try to put our
7 minds to it and go down the list.

8 It may be well to see how many of these that the staff
9 has given that are really not controversial, like testing
10 by small manufacturers. This gives them a little exemption.
11 I don't think there is any controversy there. Many of these
12 items listed are simply not probelms. So I would urge that
13 we go ahead, Mr. Chairman.

14 Let's take those items before 2 o'clock that we could
15 get without any discussion, I think a quick explanation, and
16 move. I think we could then get to it and finish the bill
17 up tonight. We will have to stay; in some sense you have to
18 break at 2 and meet. Why don't we try that.

19 Senator Muskie. It is clear we will have to kill the
20 afternoon, anyway. I just as soon kill it with you fellows.

21 Representative Rogers. Could we go to page 6?

22 Representative Staggers. The Chair recognizes the
23 gentleman from Ohio.

24 Representative Devine. Mr. Chairman, I respectfully
25 disagree with our colleague from Florida. It seems to me we

1 have gone over this time and time again. In fact, many months
2 ago we discussed lifting out the auto emission control section
3 and passing that as a separate bill and then addressing these
4 other matters. We have never been able to do it and are up
5 against that problem right now. It seems to me some people
6 are interested in using the auto emission standards, part of
7 it, as a means of getting some of this other stuff through
8 that is less desirable. Many of these controversial issues
9 are very, very narrow in the remaining period, and I would
10 agree with the Senator from Idaho, if we could continue this
11 to next year, or for a matter of months, we would not be
12 under such great preassure. I don't think we can afford to
13 waste the time wading through something we probably can't come
14 out with.

15 Representative Rogers. The only thing I am concerned
16 with is the fact we have worked two years on the bill, at
17 least the subcommittee ---

18 Representative Devine? And you can't resolve it in
19 two hours now.

20 Representative Rogers. No, we would not try to work
21 it out in two hours. We have already worked on 22 items that
22 are agreed. If the gentleman will bear with us, I think we
23 can do that.

24 May I suggest that we go to page 6?

25 Representative Broyhill. Could we make a motion on this?

1 Representative Staggers. Anybody is entitled to make a
2 motion. Let me say before you do, our HMO's and Manpower
3 Act was to come on the floor now but they have put them off
4 until later so we are going to be involved in those two bills.
5 They will probably take an hour or so on those.

6 Representative Broyhill. I am involved in the bill
7 our committee has up in about 15 minutes.

8 Representative Devine. The Lobbying bill will be up,
9 too.

10 Representative Staggers. Let's go ahead for five
11 minutes and see what we can do.

12 Representative Rogers. All right, on page 6.

13 Representative Staggers. Article 40?

14 Representative Rogers. Why don't we start with Item 42.

15 Representative Staggers. How many have we passed over?

16 Representative Rogers. We have done 22.

17 Mr. Schwartz. This provision allows the Administrator
18 to waive the durability test requirement; that is, not to
19 require a 50,000 mile test for manufacturers that produce
20 300 or less cars per year, it is already in EPA regulations.

21 Senator Muskie. I see no objection to that. So in the
22 spirit of starting around in agreement ---

23 Representative Broyhill. Whose are these?

24 Representative Rogers. This is a House provision.

25 Senator McClure. We accept the House provision without

1 any change in the House provision.

2 Representative Rogers. That is correct.

3 Senator McClure. Mr. Chairman, may I ask this question,
4 does this apply to domestic manufacturers alone?

5 Representative Rogers. Yes.

6 Senator McClure. It does not apply -- there could be
7 a foreign manufacturer that has a larger manufacturing
8 outfit.

9 Representative Rogers. There would still be a 300 or
10 less limit.

11 Senator McClure. A foreign manufacturer with large
12 production, they would be exempt in this country; is that
13 correct? I am not sure that makes sense to me, just because
14 we let them, to have a competitive advantage.

15 Representative Rogers. On 300 cars?

16 Senator McClure. As far as I am concerned, it should
17 be limited to domestic manufacturers.

18 Representative Rogers. It suits me. Domestic manu-
19 facturers, 300 or less.

20 Representative Staggers. Without objection, it is
21 so ordered. We will go to the next item, that is 43, the
22 California waiver. I think all of you know what that is,
23 it is in the House version.

24 Representative Rogers. It allows California to have
25 their standards different.

1 Mr. Billings. California could have more stringent
2 standards than the Federal standards, and, secondly, it
3 provides a mixture of standards for California cars. It
4 happens that two of the standards were stricter and one less
5 strict in order to accommodate California problems. So
6 California could have a different mix as long as the general
7 standards were more stringent.

8 Representative Carter. Mr. Chairman, we have always
9 been for that.

10 Senator McClure. There is a question in my mind,
11 Mr. Chairman. We have always allowed California to adopt
12 standards that are more strict than your. The House provision
13 allows them to be more strict on some and more lenient on
14 some so long as the mix is, in the Administrator's opinion,
15 better for their health. Now, if that is good for California --

16 Mr. Billings. And more strict.

17 Senator McClure. What is more strict? That is a matter
18 of judgment. We have said on each of these these are health
19 standards. We have said each is an absolute. How do you
20 trade off a slightly greater health hazard by one pollutant
21 against a slightly less hazard on another pollutant? You
22 are asking the Administrator to make an absolutely impossible
23 decision.

24 Representative Waxman: Will the gentleman yield?

25 Senator McClure. Yes.

1 Representative Waxman. In the aggregate, the waiver will
2 allow California more strict requirements than we have
3 nationally. I think that is the important point that is made
4 in the provision.

5 Senator McClure. I have no objection if they are more
6 strict than everyone. But when you allow a trade-off in
7 California, don't allow that trade-off nationally -- if that
8 is a good policy, maybe we should adopt it for all our
9 standards, allow the manufacturers to trade off by individual
10 manufacturer.

11 I understand your desire to allow California to make
12 as much progress as they can but, if this flexibility is good
13 for them, why isn't it good for the others? Why don't we
14 say for the rest of the manufacturers that they can by
15 product line ---

16 Representative Waxman. If the gentleman's opposition
17 to California having a waiver or is it to California having
18 a waiver not stricter than the national?

19 Senator McClure. My objection is to their having a
20 waiver on some pollutants ---

21 Representative Waxman. I think we should make it
22 clear that California has to be stricter than Federally. As
23 I understand, the House position clarifies it and clarifies
24 the point all the staff and Members agreed needed to be
25 clarified.

1 Senator McClure. If it is in the present law, then what
2 does the amendment do? If you are insisting a provision in
3 that does what the present law does, then I am wondering what
4 you are trying to get done that the present law does not do.

5 Representative Waxman. If you object to something no one
6 objects to and this is the way we are starting off the
7 discussion, I don't see how we can deal with the controversial
8 issues. Why should you say California should be more strict,
9 we have a clarification, both staffs agree this is a clarification
10 Congress tried to get in the late Sixties.

11 Senator McClure. Maybe you can answer my question.
12 Does this House provision saying they must be as strict on
13 every one but can be stricter on any one of them, how does
14 that differ from present law? How does your amendment
15 differ from the present law?

16 Representative Waxman. I thought staff said it clarified
17 the intend to clarify the provision. If it does not, let's
18 hear from staff. Why would you have any objection?

19 Representative Broyhill. It is in the Act and you may
20 read it here.

21 Senator McClure. I objected to that and he said he
22 would be willing to change that to say it is as strict on each
23 of the standards.

24 Representative Broyhill. It would have to be more strict
25 or at least as strict.

1 Senator McClure. I raised an objection and he said he
2 was willing to change it. If he is willing to change it, how
3 it is different from the present law?
4

5 Representative Broyhill. What you described is present
6 law.
7

8 Representative Waxman. I am informed the reason it was
9 put in is the possibility the Federal standards would be
10 changed and California wanted some leverage at that point
11 but they don't feel it is all that important now that we we
12 are not being stricter on the auto emission standards for
13 the rest of the country. If that is the present law and the
14 law states California has permission to be more strict, that
15 is fine with me.
16

17 Representative Rogers. Strike it.
18

19 Mr. Chairman.
20

21 Representative Staggers. We will strike it over here
22 and there is nothing for the Senate to have a dispute about.
23

24 We will go to the next provision which is low emission
25 vehicles. We have already recommended on our side we
would delete it. I would ask our conferees if it is all
right for the deletion of this provision?
26

27 Representative Rogers. Yes, we really have already
28 agreed, I believe.
29

30 Senator McClure. You strike this?
31

32 Representative Staggers. Yes, we strike it.
33

1 Representative Broyhill. What are we striking?

2 Representative Stagger. We have not agree to it, I
3 mean the staff did.

4 Representative Rogers. You agreed when you struck out
5 the authorization on No. 1, you cut out the money.

6 Representative Broyhill. Yes, I remember.

7 Representative Staggers. For the mail trucks and so
8 forth, they would have to have different standards.

9 All right, we go to the next one, the anti-tampering
10 prohibition which is in the Senate bill and I call on
11 Senate counsel for a little information.

12 Mr. Billings. Section 205 of the Senate bill extends
13 the anti-tampering with emission control devices -- that is
14 on page 70 of the Senate bill, Section 205.

15 Representative Rogers. I think the only difference between
16 the two versions, if you would permit, is that you have a
17 fine of \$2,500 and we had a fine of \$10,000. That is the
18 only difference and we agreed to go to the \$2,500 fine rather
19 than \$10,000.

20 Representative Broyhill: What about the understanding
21 of Mr. Preyer about people repairing their own car?

22 Mr. Billings. They are exempt from this amendment. They
23 are not covered by this amendment, individual people working
24 on their cars would not be subject to civil penalties under
25 this.

1 Representative Broyhill. Is that the only difference?

2 Representative Rogers. It is a difference in the money.

3 Senator McClure. Isn't there a difference? The Senate
4 bill refers to fleet operations.

5 Representative Carter. On that anti-tampering thing, a
6 gentleman who works for EPA said the first thing he did to
7 his catalytic converter was to rip his open and let all the
8 stuff out. Does that mean any man can do that?

9 Mr. Billings. Yes, any man can do it himself but can't
10 take it to a garage to do it. We don't let a dealer tamper,
11 but under existing law a private garage can. Under this
12 amendment neither a dealer nor a public garage can.

13 Representative Devine. It means if you can't have a
14 professional do it, you can have an amateur do it.

15 Representative Rogers. The difference is the \$2,500
16 instead of the \$10,000.

17 Senator McClure. I really believe there is ---

18 Representative Rogers. May I say we are accepting
19 the Senate provision. I move that we accept the Senate
20 provision.

21 Representative Staggers. You heard the motion of the
22 gentleman from Florida.

23 All in favor signify by saying 'Aye; those opposed,
24 No.

25 The Ayes have it.

1 The next item is the high altitude adjustments.

2 Representative Rogers. Why don't we skip that since
3 there is some discussion required?
4

5 Representative Devine. Is that the Senate or the House?

6 Representative Staggers. House.

7 Senator McClure. That only includes about 20 of my
8 counties.

9 Representative Rogers. We will come back to it.

10 Representative Staggers. All right, we will go to the
11 next one, 47, the parts preemption that is in the House bill.
12 I think it is a very essential part of the bill and I would
13 call on the House counsel to give a little explanation. That
14 is Item 47.

15 Mr. Schwartz. The House bill provides when the EPA
16 provides a parts certification program if parts are sub-
17 stituted for original manufacturer's parts, States would be
18 preempted from adopting and enforcing any parts certification
19 program except for California.

20 Senator McClure. Could I suggest that under that we
21 do similarly what we did with the other standard so far as
22 California, saying they are exempted so long as their
23 certification is at least as stringent as the Federal.

24 Representative Staggers. I think it is in there now,
25 isn't it?

Without objection, it is so ordered.

1 Senator McClure. I should say rather than at least as
2 strict, say the California standards are more stringent
3 than Federal standards.

4 Representative Staggers. I would not say more, but at
5 least as stringent.

6 Senator McClure. If they are not to go more than Federal,
7 why should they ---

8 Mr. Billings. It would cease to exist.

9 Representative Staggers. We must understand what the
10 language is. What we are saying is the State is not going to
11 run this program unless they are more stringent.

12 Now, going to the next, the tail pipe standards.

13 Mr. Schwartz. Staff proposes that the House recede on
14 this provision which authorizes the Administrator of EPA to
15 impose refinements on the tail pipes on new automobiles.

16 Representative Satterfield. I have no personal feeling
17 one way or the other. I think we ought to recognize what we
18 are talking about. Every automobile has a different configura-
19 tion on tail pipes not only involving location on the motor
20 vehicle but where the curve occurs. If you have tail pipe
21 recovery, you have to design the tail pipe and the instrument
22 going into it so you get a perfect vacuum to drain off the
23 mixture as the tank fills.

24 To do this you have to have something to create that
25 kind of airtight connection. What this says is, when the
Administrator must promulgate regulations on the tail pipe

1 so it is designed to receive the instrument necessary. Then
2 the body molding around that opening must be big enough so
3 you can get this nozzle into the opening. It seems if we don't
4 do this you are going to have to have a different kind of
5 instrument to fill a motor vehicle depending on the model
6 you are filling.

7 It seems to me you should make it uniform to have an
8 effective vapor recovery system.

9 It also authorizes the Administrator to do something he
10 may not now have the right to do, that is, to consider onboard
11 recovery systems and one of the things they are thinking about --
12 they don't have the authority -- that is some kind of
13 collapsible tank. As it goes into your engine, it is
14 collapsible and you take care of it when it goes in the
15 engine when you fill the tank.

16 I don't have any strong feelings but I think we should
17 standardize that which we are going to require.

18 Representative Rogers. Whatever the Senate wants.

19 Representative Broyhill. Why is the House dropping this?

20 Representative Rogers. This was a staff recommendation.

21 Representative Broyhill. Why? Can we get a reason why
22 the Senate won't accept it?

23 Senator McClure. I understand that Section 211 -- there
24 are three sections that we are talking about, aren't there?
25 Or are we talking only about ---

1 Representative Rogers. Number 48, 218.

2 Mr. Billings. 218 and 211.

3 Senator McClure. If we are going to concur, or if we
4 are going to delete, let us know what you are concurring
5 in or deleting.

6 Mr. Billings. Staff recommended probably that both be
7 deleted but I think the first issue is whether we ask the
8 House to delete Section 218 or concur.

9 Senator Hart. I raise the question of a quorum on the
10 Senate side, Mr. Chairman. I don't know who selected this
11 meeting place but we don't even have room for the committee
12 and we have a sunshine law in the committee and there are
13 a lot of my constituents standing out in the hall and I think
14 they are entitled to hear our debate.

15 Representative Staggers. I had nothing to do with the
16 selection but I think it was worked out jointly with both
17 sides trying to get any place.

18 Senator Gravel. 146 was worse than this one.

19 Representative Staggers. This was selected. As I
20 said, our committee room is available.

21 Senator Dominici. I concur with Senator Gravel. It has
22 been my feeling we are writing a new Clean Air Act. I think
23 we should follow the general rule we followed all the way
24 through. It would be an open meeting and there are a lot of
25 people out there in the hall that no more about this bill

1 than people in here, in my opinion.

2 Representative Staggers. We have to do the best we can
3 with what we have got.

4 Would Chief Counsel on our side respond to Senator
5 Gravel's request? What are the quorum requirements for the
6 Senate on their side?

7 Mr. Billings. I don't believe we have to have a quorum.

8 Representative Maguire. The question is whether the
9 Senate is prepared to work through the afternoon and get a
10 bill out. I think that is the question.

11 Senator Gravel. I think we could play games, but I
12 think we should recognize we have a real dilemma.

13 Representative Staggers. Let me say this to you, I know
14 that all of us are trying to get a bill. I don't see how
15 in the world if we work all night, tomorrow and the next day,
16 we will get a bill. I am willing to work and try to do
17 everything we possibly can. I know the subcommittee worked
18 and the full committee worked for so long, and we know your
19 side did. I don't know what the solution is.

20 Senator Gravel. I think we tried to write a new bill
21 in a short time without having the benefit the House had and
22 this makes a number of the Senate Members very insecure as
23 to what would be the consequences of accepting the work of the
24 House, with all respect for the work of the House, but I think
25 we feel there is a certain responsibility on our side.

1 Representative Rogers. Let me say this, Mr. Chairman,
2 I think if we don't, as far as I am concerned, and I think
3 as far as the majority of the House side, we would have no
4 change in the present law and let them go to the regular
5 standard of .4. Some say they can't do it. I don't know
6 whether they can or not. Volvo did it.

7 Senator Dominici: There is a question ---

8 Representative Rogers. Not until '78. There is no
9 question of Volvo, California has tested it.

10 Senator Dominici. There is a question. You can say
11 it and I can say it but there is a question.

12 Representative Rogers. California advised us they had
13 tested it.

14 Senator Dominici. I know that.

15 Representative Rogers. If I may continue, I think if we
16 worked on the bill, I don't think it will take that long. We
17 have already agreed on five items out of 75 in half an hour.
18 We already had agreed on 22 and that is 27 already. I don't
19 think there are so very many.

20 It is true there may be a conscious desire for certain
21 Members not to have a bill. Well, I want that on the record
22 if that is true and I don't want to have the President
23 calling the Congress back because we didn't act on a Clean
24 Air Bill and I have already heard some rumors. So I am going
25 to propose and I move that the House continue to work on the

1 the bill until we get a clean air bill in this session,
2 Mr. Chairman, and I ask for a record vote on the House side.

3 Senator Gravel. Could we put it another way? May the
4 Senate members take a vote ---

5 Representative Rogers. I want us on the record first.
6 Could we have a roll call, Mr. Chairman, as to whether we will
7 continue to work on the conference or whether we don't and
8 have no bill?

9 Representative Broyhill. I don't know, Mr. Chairman,
10 that there is any need to have a vote on a motion like that.
11 As long as the Chairman calls for a conference, we are
12 going to be here. If the gentleman has a motion on substan-
13 tive matters, fine, but we are going to be here.

14 Senator Gravel. The question is are we going to vote to
15 have a bill or not and the meeting process won't accomplish
16 the latter.

17 Representative Rogers. Except we will just have to
18 go ahead and have the vote.

19 Senator Gravel. We should vote on whether to have a
20 bill and that will take care of your problem.

21 Representative Broyhill. There is no objection to the
22 motion of the gentleman from Florida. As long as the
23 Chairman calls for a meeting and so forth, we will be here
24 so I see no objection to the gentleman's motion, but what I
25 am saying is maybe what we need is a motion from one side or

1 the other, a substantive motion on what the bill will contain.

2 Representative Maguire. Could I observe the problem is
3 not on the House side? The question was whether there is
4 quorum on the Senate side. The House side is here and we
5 are prepared to get a bill out. What we need to know is
6 whether the Senate is prepared to do that or are we going
7 to have filibustering tactics over here? If so, we ought to
8 know that. Let's make a decision about the bill.

9 Senator Hart. If my raising a question of a question
10 of a quorum is a filibustering tactic, then I don't understand
11 the rules. We are working on a bill where we do not have
12 the statutory language before us. We argued in the courts
13 for months and months over the meaning of a word or a phrase,
14 and here we are talking about things we don't know what
15 the language is going to be. If you want to stay here and
16 work until November 2, I am ready but I am not ready and
17 willing to be a part of passing a bill that I don't know what
18 is in the bill and I am not willing to be a part of ramming
19 something down the throats of these people standing out here
20 in line who don't know what we are doing. Whatever the
21 House wants to do, it is up to the House, and whatever my
22 colleagues want to do.

23 Representative Staggers. I think probably, Senator,
24 it is up to the Senate.

25 Senator Gravel. I suggest that we take a vote and it

1 will be in the record and we will know where we are at.

2 Representative Rogers. May I say this, Mr. Chairman. I
3 would hope Senator Muskie would be here before that vote
4 is taken.

5 Senator Dominici. Mr. Chairman, I assume we are going
6 to wait until our Chairman returns before we proceed on our
7 side. Let me say with reference to whether or not I as one
8 conferee want a bill, I want the record to show that I have
9 been working on a Senate bill for one-and-one-half years. I
10 have probably attended no less than 120 hearings or markups,
11 and the United States Senate bill contains a total rescheduling
12 of the auto emission control standards and they are stricter
13 than the House'. Our bill contains a "no significant deter-
14 ioration" provision that many poeple think is an excellent
15 provision for preserving pristine America. If that is an
16 indication that we come here not wanting a bill, then for
17 whoever would like to label the Senate or the Senate conferees
18 that, sobeit, but I don't think that is the case.

19 The fact is there are many provisions in the House bill
20 aside from the ones I just enumerated that are not in our
21 bill. There are some that are in both that we have tried to
22 work on. We have submitted to the House, where they are
23 new matter in their bill and not ours, that we should delete
24 that to start with. There is plenty to work on in the areas
25 where we both passed new legislation. I understand the House

1 doesn't desire to do that.

2 Senator McClure raised the issue in writing a bill of
3 this type and a report accompanying it. We feel, having
4 gone through this ~~for two~~ years, ~~we~~ should have time to
5 review what our staffs have written up after we concur on a
6 few lines of what our agreements are.

7 I will repeat, the Senate subcommittee met three days
8 editing a report on our bill and made no less than 50 sub-
9 stantive changes in that report. We are led to believe that,
10 if we finish tonight -- our Chairman, Senator Muskie, cannot
11 be here beyond tomorrow -- we are led to believe there will
12 not be enough time for the Senate conferees to review the
13 statutory language in the report.

14 With those kinds of things on the side of this conference,
15 I don't see how anybody can label our side as not wanting
16 a bill. If you want to label us as not wanting any old bill
17 or any bill of the type we seem to be moving in the
18 direction of, again so be it. That may be true.

19 Mr. Chairman, I honestly feel it would be impossible
20 to do clean air in this country and the balancing necessary
21 in the remainder of this day unless someone narrows the
22 issues to those that can be considered by the joint conferees
23 in a logical manner, a manner that will permit us to
24 exert the kind of input and observation and post-analysis
25 after written.

1 If there is not going to be such a narrowing and
2 opportunity, then I stand willing to be labeled as one who
3 wants no new clean air bill.

4 Representative Rogers. May I say, Mr. Chairman, that I
5 have not said anybody, but I said if there are Members that
6 don't, that we ought to be on the record as to individual
7 Members who don't want a bill this year. That is what I
8 intend to see is done.

9 Now, also I think this, I don't know why Members can't
10 be here Friday, Saturday, Sunday, if necessary.

11 Representative Carter. On that, if I might be heard,
12 you know I met with you as consistently as any other Member
13 of this committee and I don't know how many times we met.
14 It was time after time after time. But I must admit I don't
15 want to be here Saturday and Sunday and there are many
16 reasons, one being an election year, second, there are other
17 problems in my own family.

18 Representative Rogers. Which I understand.

19 Representative Staggers. The gentleman from New Jersey.

20 Representative Maguire. If I might observe, if we had
21 not had this discussion for the last hour, we might have done
22 10 or 12 items. It seems to me we should proceed ad we might
23 finish tonight or tomorrow morning. We are discussing the
24 abstract in advance. I suggest we should proceed and not
25 prejudge the question.

1 Senator McClure. I think the last 15 or 20 minutes --
2 let's not cast aspersions on each other's motives, at least
3 not in this room. There is a lot of jockeying going on for
4 position, people saying "If you do this, you will be charged
5 with not wanting a bill." I don't think there is anyone in
6 this room or in this conference who has not exerted a lot
7 of effort on this bill. I think they are in this conference
8 because they want to be here and want to get a bill and want
9 to discharge their responsibility.

10 The difficulty lies in how do you discharge that respon-
11 bility, the responsibility that has been referred to us
12 of looking at the legislative language? We can vote upon a
13 settlement or a compromise of specific issues, and I have
14 been willing to do that although in my own judgment, when we
15 get all through with having done that, we will not have the
16 opportunity to look at the legislative language that we have
17 spawned after it is completed and certainly we will not have
18 the opportunity to meet again as a conference or to discuss
19 as the House Members or the Senate Members the conference
20 report once it is written.

21 So we will be voting on a bill that is conceptual and
22 not detailed, legislative language that we have never seen and
23 that, by the time we get to the floor, the legislative
24 language will have been written but we will have no opportunity
25 to review it with the exception of debate on the exceptions

1 of the conference report and we will not have had the oppor-
2 tunity to affect the way in which it is written or the oppor-
3 tunity to approve or disapprove of it. I think this is far
4 too important to treat in that manner.

5 I realize if we didn't take time to talk about this, we
6 might get two or three more significant matters out of the
7 way, but the significant ones are still there and I would
8 challenge anybody to really say that they believe that we
9 can follow the kind of provedures we ought to follow.

10 In talking about an item like non-significant deteriora-
11 tion, how long will it take us to determine what the nox
12 standard ought to be or what the time table ought to be on
13 the achievement of the nox standard?

14 Those are matters that will take some discussion and some
15 of this language is extremely technical and it is extremely
16 important exactly the way the language is stated, the way the
17 sentences are structured in the bill and the report.

18 I am satisfied in my own mind that we can spend all
19 day here just to prove that we want to work and we will end
20 up with a ridiculous result. For that reason and none other,
21 I would move that the Senate offer to the House the compromise
22 on the one issue which we can perhaps come to a conclusion
23 on, that is, that we offer to the House the option of
24 proceeding on the auto standards alone and abandon the
25 attempts to write the balance of the bill. I make that

1 motion to the Senate conferees although I know that Senator
2 Muskie is not here.

3 Senator Gravel. The motion on our side is that -- I have
4 one problem, Senator Muskie is not here and I would like to
5 defer to his leadership. It would presumptuous on my part to --
6 I would like to ask if the House would be amenable to recess
7 until about a quarter to three, a 15-minute recess?

8 Representative Carney: I think it is obvious there is
9 a major disagreement here. I think we have an industry --
10 the auto industry is a big industry in my district and these
11 people can't go willy-nilly and we have to do something about
12 that.

13 I would suggest that three from our side and three from
14 their side sit down and see if we can't get some ground rules
15 and come back here and see if we can't get some recommenda-
16 tions. If we keep sitting around talking we will do nothing
17 We don't know where we are going.

18 Representative Staggers. I agree with the gentleman.
19 I have to depart from here. They have suggested a 15-minute
20 recess and I can be back in 15 minutes. I think Mr. Waxman
21 has to go, too. We will be back in 15 minutes and see what
22 we can do with that.

23 (Whereupon, a brief recess was taken at 2:32 p.m.)

24 Representative Staggers. All right, let's continue.

25 The Senate wanted 15 minutes to talk over their

1 proposition.

2 Have they come to any conclusion? You gentlemen had
3 wanted 15 minutes to talk over ---
4

5 Senator Gravel. That was to permit our Chairman to
6 return.

7 Senator Muskie. Where are we on the agenda?

8 Representative Staggers. On 48.

9 Senator Dominici. There was a Senate motion before the
10 Senate conferees. Senator McClure made the motion we should
11 submit the proposal to the House that we proceed, that we
12 delete all portions from the bill of the conferees except the
13 auto bill emission standard provisions and that we proceed
14 in conference with that. Is that correct, that was the
15 motion?

16 Mr. Bellings. Yes, I think so. That we confer only
17 on the auto emissions sections of both bills.

18 Senator Muskie. By that you mean a permanent resolution
19 of the auto standards?

20 Senator Dominici. I think the motion encompassed that.

21 Senator Muskie. In my judgment, the auto industry has
22 been responsible in large part for the delay of action on
23 this bill and I don't think they should profit from it by
24 having their problems dealt with when the other problems are
25 not. So I would object to it.

Senator Gravel. I would share that view. I think probably

1 Senator McClure's position is premature. I think the House
2 might speak to that also. I would rather see us back the
3 whole thing than just give the Administrator the ability to set
4 '78 standards, otherwise we would be putting people in the
5 position of breaking the law and we don't want to do that.

6 I would offer a substitute motion to the McClure motion
7 and that would be that we would drop the whole bill and instruct
8 instruct the Administrator to set the '78 standards and let
9 it go at that, then we would have an opportunity to act the
10 first of next year.

11 Senator Muskie. So we would extend the present standards
12 one year?

13 Senator Dominici. So extend the present standards for
14 one year.

15 Senator Gravel. For no more than one year.

16 Representative Broyhill. That is all right.

17 Senator Muskie. Congressman Rogers has indicated his
18 desire to have us make an effort to go through the agenda
19 and he is entitled to that opportunity, optimistically as
20 some of us may think that may be. I would like to suggest
21 to the Senate conferees that we would hold on this matter.

22 We promised the House Chairman and Mr. Rogers an oppor-
23 tunity to see where we would come out in an hour or two and
24 then we can consider what, if anything, we want to do.

25 Representative Staggers. All right, we will start right
in.

1 Senator Dominici. I understand the desire of our good
2 Chairman to accommodate, but the reasonable proposal is that
3 we start with something that is apt to lead to a bill. As
4 I understand it, we have some 36 provisions in the House
5 bill that stand singularly in their bill. We have some 13
6 in ours that stand singularly in our bill. I think anyone
7 that would be wanting to accommodate and try to reach an end
8 would at least start with a proposition that the 36 that
9 are only in theirs, whatever number, and those provisions only
10 in ours be agreed that now we are deleting them we are at
11 least directing our attention to a bill in Congress where
12 there are mutual provisions in both bills.

13 Senator Muskie. We started discussing that proposal
14 at 1:00 o'clock. There was nothing like a consensus that that
15 ought to be the procedure. I offered that then and here we
16 are after 3:00 o'clock and still have not agreed on a
17 procedure. We have wasted the substantial part of two hours.

18 I suggest let's accept the agenda we have been working
19 on, working on it some more, however pessimistic we may be
20 about the prospects and then look again at procedure. Maybe
21 Members at that point would be more receptive to something
22 that would promise a resolution of this problem.

23 Representative Staggers. We are back to 48, fuel pipe
24 standards.

25 Representative Rogers. I move that the House agree to the
House proposition.

1 Representative Staggers. You have heard the motion
2 of the gentleman from Florida on our side.

3 All in favor signify by saying Aye; those opposed, No.

4 The Ayes appear to have it.

5 Let's have a show of hands.

6 Those in favor of the motion of the gentleman from
7 Florida raise your hand.

8 The Clerk. Five.

9 Representative Staggers. Those opposed raise your hands.

10 The Clerk. Five Ayes and three Noes.

11 Representative Staggers. The motion is agreed to and we
12 will proceed to the next item. It is not in the Senate
13 bill and we deleted it in the House bill.

14 We have a roll call on our side.

15 The next item is the onboard hydrocarbon technology
16 with the fuel pipe standards. We deleted it -- and we are
17 now on 49, the onbaord hydrocarbon technology.

18 Counsel of the House will explain what the provision is.

19 Mr. Schwartz. The House had a provision; the Senate
20 conferees had no provision. The House provision called for
21 the Administrator to set standards for automobiles to have
22 hydrocarbon technology to ease the vapor recovery requirement.
23 The staff recommends the House delete this provision of
24 the House bill.

25 Representative Rogers. I move that we accept the staff
position.

1 Representative Satterfield. I know it is not going to do
2 any good, but I don't think it makes sense not to explore
3 onboard hydrocarbon technology if they can develop it. Then
4 they don't have to have a vapor recovery when you put gasoline
5 in an auto.

6 If we go blindly and they have to recover it when they
7 pour gasoline in, they will have to have 15 or 20 nozzles.
8 This is an alternative that you might not have to recover
9 this vapor at the point you put gasoline in. I hope we would
10 consider this carefully.

11 Representative Rogers. This does require some additional
12 technology to be added to the gas tank. Since we are trying
13 to simplify the bill ---

14 Representative Satterfield. We had that in the last
15 one.

16 Representative Rogers. It says they do the study
17 and then have the right to require it.

18 I would move to accept the staff suggestion on 49,
19 Mr. Chairman.

20 Representative Csrtter. To recede from the House
21 position?

22 Representative Rogers. Yes.

23 Representative Staggers. You have all heard the motion
24 from the gentleman from Florida.

25 All in favor let it be known by saying Aye; those opposed,
No.

1 The Noes appear to have it.

2 Let's have a show of hands.

3 All in favor of the motion of the gentleman from Florida
4 will raise their hands and be so counted.

5 The Clerk. Six.

6 Representative Staggers. All opposed raise their hands.

7 The Clerk. Five.

8 Representative Staggers. The deletion is accomplished
9 by our vote and it is not in the Senate bill.

10 The next provision will be 50.

11 I might say we better go vote, we have had the second
12 bells.

13 (Whereupon, a brief recess was taken.)
14

end McGrath
Thomas fols 15
end ms
McG fols 16

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1 Representative Staggers. The committee will come to
2 order.

3 Representative Carter. Mr. Chairman.

4 Representative Staggers. The gentleman from Kentucky.

5 Representative Carter. Yes, sir, I ask unanimous con-
6 sent we refer to Section 28 for the non-attainment provision
7 and I would move to maintain the House position on that, if
8 that is agreed to.

9 Representative Staggers. Well, I believe we had agreed
10 to come back to that when we got through. I don't believe we
11 had objection.

12 Representative Carter. We had not. I ask unanimous
13 consent that it be taken up. I would like to do that sometime.

14 Representative Staggers. Well, what would be the
15 pleasure of ---

16 Senator Muskie. I would like to hold that for just a
17 moment.

18 Representative Staggers. Let's hold for just a minute.

19 Senator Muskie. I would like to make the procedural
20 proposal that might be helpful. It may not.

21 Representative Carter. All right, sir.

22 Senator Muskie. Congressman Rogers.

23 Representative Carter. We will listen to whatever you
24 have to say, sir.

25 Senator Muskie. I would like to propose to the House,

1 if my Senate conferees concur, I haven't discussed it with⁴²
 2 them, that they approve the proposal that the Senate bill be
 3 made the pending business for purpose of amendment subject to
 4 amendment. It seems to me that would begin our focus on
 5 specific issues including the one that the doctor has referred
 6 to.

7 There it would be completely open to amendments, dele-
 8 gations or amendments or modification. We would have a base
 9 upon which to operate.

10 Representative Staggers. Well, let me say to the
 11 Senator, I believe, that you would just take up twice as
 12 much time by doing that because you are going to have an
 13 amendment wherever we had one in the House. I think the
 14 opens would be true if you take up the House version, you
 15 would have a lot less provisions to add to it.

16 Senator Muskie. A lot more to delete.

17 Representative Staggers. We are deleting a lot of
 18 ourselves anyhow as we go along. I would like to propose
 19 the House proposal because ---

20 Senator Muskie. Let's go back to where we were.

21 Representative Staggers. All right. We were at the
 22 gentleman from Kentucky has discussed unanimous consent to
 23 go back to 23.

24 Representative Carter. 28.

25 Representative Staggers. And I think that we had

1 passed ---. Excuse me.

2 (A brief recess was taken.)

3 Representative Staggers. The congressman from Kentucky
4 has asked unanimous consent to go back to No. 28 because he
5 says it is very important to him, and I might say due to
6 personal matters he will not be able to be here tomorrow and
7 I would think out of deference to him and the situation that
8 we would go back to 28 and take it up so he can talk about it.

9 Without objection on our side, I would say we will go
10 back to 28. The gentleman from Kentucky.

11 Representative Carter. Mr. Chairman, I would like for,
12 of course, this section was the first amendment, it was
13 defeated in the House 198 to 103, and then a similar section
14 was defeated by a division, 62 to 28. I would like for
15 counsel to explain what this does. Actually, it permits sort
16 of a sweetheart contract with one group and permits them to
17 pollute in other airs we are mandated to maintain or go below
18 the present standards which are issued by the Environmental
19 Protection Administration in my air, for instance, and I
20 think that what is fair for one air is fair for another.

21 If we are going to do this right let's stick with the
22 standards and that is why I would like to have, I think, this
23 should be deleted.

24 Representative Staggers. Do you want counsel to explain
25 it?

1 Representative Carter. Yes.

2 (Discussion off the record.)

3 Representative Staggers. Would you give us an explanation?
4

5 Senator Randolph. I will be glad to.

6 Representative Staggers. The Senator from West Virginia.

7 Senator Randolph. We contain within our bill a provision,
8 and that provision permits industrial expansion in certain
9 areas which are not in compliance with the pollution control
10 standards. Under the existing law, such an expansion is in
11 non-attainment areas, in non-attainment areas is not permitted.
12 Now, I am very frank to say I sponsored the provision and it is
13 in the Senate bill and it is primarily to relieve a problem
14 faced in the steel industry.

15 I do not say that it is faced in other industries, I am
16 not saying that it isn't in other industries, perhaps several
17 of them -- but most of the steel industry operations are in
18 urban areas where pollution control objectives have not been
19 met. By its nature, any expansion of steel operations will
20 likely be those in urban areas.

21 Now the provision, it would permit such expansion under
22 strict conditions which will assure the continuation of
23 progress in the reduction of air pollution. I am very frank to
24 tell you that we have within the State of West Virginia a
25 plant employing about 14,000 persons, and that plant as well

1 as many, many other plants are in serious problems relative
2 to the non-attainment situation.

3 I hope that what the Senate has done can be agreed to
4 by the House. That will be up to the individual votes of the
5 House members. But I think that although I say there may be
6 other chemicals you may refer to, you speak of others, fair
7 for everyone, it might be in the aluminum industry, it could be
8 in the oil industry, and they have found those problems that
9 are similar to the steel industry.

10 If you would like to include them, why I would be
11 delighted to have you do so.

12 Representative Carter. I certainly would like to see it
13 across the board apply to every industry. I do not think any
14 of them should exceed primary and secondary standards which
15 injure the public health and in the second place environment.
16 If we are going to follow this thing fairly ---

17 Senator Randolph. Expansion cannot take place.

18 Representative Carter. Well.

19 Senator Randolph. They continue to reduce.

20 Representative Carter. I would say to the good Senator
21 in this case, in Class II areas which are in our bill, the
22 standards are made 10 percent more stringent than they are at
23 the present time, and actually we have no pollution in our
24 area, very little except what was wafted in from the west.
25 But yet this promotes growth in an area and prevents it in

1 another which really I regret, but I think that the basic
2 thing is if we are going to be fair about it, if we are going
3 to have standards they should apply to Kentucky, and West
4 Virginia the same, be the same, and in Maine or in Idaho or
5 New Mexico or wherever.

6 If we are going to have a clean air bill let's have one,
7 but, sweetheart contracts with steel, or with Sears Roebuck,
8 J. C. Penney or with other groups, why do that?

9 Senator Randolph. Why do you call it sweetheart when
10 it is incentive?

11 Representative Carter. I do not see that it is an
12 incentive, and I do not mean a reflection. As I see it, I
13 have seen these things all through this legislation. For
14 instance, certain groups are given ---

15 Senator Randolph. They cannot get expansion permits
16 without continued reduction.

17 Representative Carter. But, ---

18 Senator Randolph. Why that could be classified as
19 sweetheart?

20 Representative Carter. Well, why shouldn't they attain
21 primary and secondary standards just like other people do?
22 We have had problems with other industries, you mentioned
23 those.

24 Senator Randolph. I said they were in metropolitan
25 areas.

1 Representative Carter. Vinyl chloride in Kentucky
2 killed several people, carcinoma, and something was done about
3 it immediately. We have corrected that. And in these plants
4 they are rather dangerous, they are rather to those people
5 who work there. Smoke and fog comes off those steel.

6 Senator Randolph. They cannot get the expansion until
7 they reduce the pollution.

8 Representative Carter, Yes, sir.

9 Senator Randolph. They have to continue to reduce it.

10 Representative Carter. Yes. Well, I still think if we
11 are going to have clean air we should abide by our primary and
12 secondary standards across the board, one to protect public
13 health, the other the environment. That is the way I feel
14 about it. If we are for it, this is supposed to be a clean air
15 bill. If we are for clean air, let's stand up for it.

16 Senator Randolph. The Senator has been doing that since
17 '65 when we brought out the first of those legislative efforts
18 and he continues that today. Now, I think the best thing to
19 do is to vote on it.

20 Representative Carter. Yes, sir.

21 Senator Randolph. And there is no need to discuss it
22 further. If we lose, we lose.

23 Representative Carter. I hope the House will stay by
24 its position which was two to one on both occasions.

25 Representative Satterfield. I just have a question I

1 would like to ask of counsel.

2 Does it apply only to existing facilities or is there
3 any equivalency for new facilities if there has been a
4 corresponding reduction Statewide?

5 Mr. Billings. The answer is the amendment only applies
6 to expansion of existing facilities except that new-facilities
7 as under current law can locate in a dirty area where it will
8 not interfere with attainment or maintenance of the air quality
9 standard, but this does not permit a new facility to come into
10 a region where it would interfere with the attainment.

11 Representative Satterfield. If there is a reduction
12 Statewide, the capability of moving is still reserved?

13 Mr. Billings. To the extent it is permitted in existing
14 law ---

15 Representative Staggers. You asked for a vote on this?

16 Representative Carter. Yes.

17 Representative Staggers. The gentleman from Kentucky.
18 The gentleman from Kentucky has asked for a vote on this
19 provision. Do we have language in the Senate or House bill?

20 Representative Carter. No, sir.

21 Senator Randolph. We would recede, pardon me.

22 Representative Carter. It was stricken from the House
23 bill by a two-to-one majority.

24 Representative Staggers. I will let the gentleman from
25 Kentucky state it himself so we won't have any misunderstanding

1 about it.

2 Representative Carter. That we strike -- that we insist
3 upon the House position as to non-attainment.

4 Representative Staggers. You call for a vote. I would
5 say ahead of time I am going to vote with my colleague from
6 West Virginia. All in favor of the motion of the gentleman
7 from Kentucky will let it be known by saying aye.

8 (Chorus of ayes.)

9 Representative Staggers. Opposed, no.

10 (Chorus of no.)

11 Representative Carney. Have a roll call.

12 Representative Staggers. The gentleman from Ohio has
13 asked for a roll call. All in favor of taking a roll call
14 raise their hand.

15 The clerk will call the roll.

16 The Clerk. Mr. Rogers.

17 Mr. Rogers. Aye.

18 The Clerk. Mr. Satterfield.

19 Representative Satterfield. Aye.

20 The Clerk. Mr. Preyer.

21 Mr. Preyer. Aye.

22 The Clerk. Mr. Symington.

23 Representative Symington. No.

24 The Clerk. Mr. Scheuer.

25 Representative Scheuer. Pass.

1 The Clerk. Mr. Waxman.
2 Representative Waxman. Aye.
3 The Clerk. Mr. Florio.
4 (No response.)
5 The Clerk. Mr. Carney.
6 Representative Carney. No.
7 The Clerk. Mr. Maguire.
8 Representative Maguire. Aye.
9 The Clerk. Mr. Devine.
10 (No response.)
11 The Clerk. Mr. Carter.
12 Representative Carter. Aye.
13 The Clerk. Mr. Broyhill.
14 Representative Broyhill. Aye.
15 The Clerk. Mr. Heinz.
16 (No response.)
17 The Clerk. Mr. Madigan.
18 (No response.)
19 The Clerk. Mr. Staggers.
20 Representative Staggers. No.
21 Representative Scheuer. Scheuer votes aye.
22 The Clerk. Do you wish proxies?
23 Representative Staggers. If you have proxies. Mr.
24 Rogers has Mr. Scheuer's.
25 The Clerk. Mr. Rogers has Mr. Florio's.

1 Congressman Rogers. Florio votes aye.

2 The Clerk. Mr. Scheuer, I am sorry, I did not catch
3 your vote.

4 Representative Scheuer. Votes aye.

5 The Clerk. Mr. Broyhill, has Mr. Devine's.

6 Representative Broyhill. I am not going to vote his
7 proxy on that.

8 The Clerk. Mr. Broyhill has Mr. Heinz'.

9 Representative Broyhill. I am not going to vote any
10 of them.

11 The Clerk. Yes, sir.

12 The vote is nine ayes and three no's.

13 Representative Staggers. The motion of the gentleman
14 from Kentucky has prevailed on our side.

15 Representative Waxman. Prevails?

16 Representative Staggers. Yes.

17 We go back to our schedule of ---

18 Senator Randolph. Is there a parliamentary situation
19 where I could move and insist on the Senate provision, or is
20 that necessary?

21 Senator Muskie. I did not think it is necessary, but
22 we might vote on it. I would like to clarify the record with
23 respect to the concept of this amendment, if we could have
24 quiet.

25 Representative Staggers. Yes.

1 Senator Muskie. But in any case, let me make clear what
2 the Senate had, the Senate Committee had in mind with respect
3 to this amendment. The fact is that with respect to the
4 steel industry, there are plants not in compliance, not
5 moving toward compliance, not subject to a plan. Many of
6 them are old plants, and there is reluctance to get involved
7 in massive investment in pollution clean-up technology when
8 the prospects for expansion, renovation, rehabilitation are
9 cast in doubt because of the technological difficulties of
10 meeting the standards.

11 Secondly, expansion of steel capacity in this country,
12 if my information is correct, makes more economic sense at
13 present sites than in terms of new plants in new sites. So
14 the concept here was that in a very limited kind of relaxation
15 we might be able to get old plants moving toward compliance
16 permitting them to expand, but not permitting them in the
17 expansion to contribute to a further deterioration of the
18 air and requiring that in addition if they are to be permitted
19 to expand they must accept a compliance schedule which would
20 move them toward compliance not only with respect to the
21 compliance but with respect to the existing plan.

22 So that we tried to serve these two or three objectives.
23 One, to get the industry moving toward compliance; two, per-
24 mitting expansion where it makes economic sense, and; three,
25 resolving a stalemate which we find in many of the areas of

1 the country. That is what the motivation was.

2 I can understand that the people would take different
3 positions with respect to that, but I thought it ought to be
4 clear that the Senate Committee believed it to be serving the
5 objective of cleaner air as well as plant expansion.

6 There may be another answer to non-compliance of the
7 steel industry across the country. I haven't seen one offered
8 and so at this point I think maybe we ought to ---

9 Senator Randolph. I move we insist on the Senate
10 provision.

11 Senator Muskie. Is the Senate ready for the question?
12 All those in favor of the motion of the Senator from West
13 Virginia, say aye.

14 (Chorus of ayes.)

15 Senator Muskie. Opposed.

16 (No response.)

17 Senator Muskie. The Senate insists upon its amendment.

18 Representative Staggers. We are up against a stone wall.

19 Senator Muskie. Let's go to the next stone wall.

20 Representative Staggers. We have a recorded quorum
21 started some time ago. I think perhaps we had better go and
22 come back. But we are down to 51. We had better go and come
23 back.

24 (A brief recess was taken.)

25 Representative Staggers. The committee will come to

1 order. When we adjourned we were at item 51 for consideration
2 and we were talking on this. Fifty, I believe, it is, 50.
3 Sulphur emission study.

4 The staff recommendations are to accept the Senate bill,
5 extend the date and coordinate the House studies with the
6 standard review process and it recommends No. 18.

7 Representative Broyhill. What section is that?

8 Mr. Schwartz. No. 50. There is no sulphur.

9 Representative Broyhill. What is the section in the
10 Senate bill?

11 Mr. Schwartz. I do not know the section in the Senate
12 bill.

13 Representative Staggers. Thirty-two.

14 Mr. Billings. Page 76 of the Senate bill, study of
15 controlled alternatives to reduce sulphur emission from cars,
16 et cetera, et cetera.

17 Representative Broyhill. Have there not been studies
18 like this conducted by EPA agencies at any of their research
19 facilities?

20 Mr. Billings. I suspect there have.

21 Representative Staggers. This is simply to extend the
22 date.

23 Mr. Billings. This is simply a study.

24 Representative Staggers. To extend the date.

25 Mr. Billings. Yes.

McG 15

1 Representative Broyhill. I thought the Act itself was
2 implying a continuing monitoring by the agencies over emission
3 of any pollutants that may have adverse affect on health or
4 public health or welfare.

5 Mr. Billings. This is a study of the alternative to
6 reduce or eliminate such emissions including a study of
7 desulphication of fuel, et cetera, et cetera. This particular
8 area has not been studied because the sulphur controversy
9 has not been specifically studied because the sulphate contro-
10 versy arose after the enactment.

11 Representative Carter. If the distinguished gentleman--

12 Representative Broyhill. I would be glad to yield.

13 Representative Carter. I beleive EPA had a study on
14 that, started one, and, of course, the reason for it was that
15 the catalytic converter when it was placed on instead of took
16 care of the nox emission but started emitting SO2 which became
17 sulphuric acid mist. I think that is the purpose of it.

18 Representative Broyhill. Mr. Chairman, I do not object
19 to doing the study. We are going to study all these things
20 to death. We are going to take up the resources of the
21 agencies studying all these things.

22 Senator Muskie. I think in the-spirit of accommodation
23 the Senate is prepared to recede on it.

24 Representative Staggers. The Senate recedes on 50.
25 Take up 51. We are passing over too many things. We do not

1 have anything to do at all. I say that we have got a fili-
2 buster on in the House.

3 Representative Broyhill. What?

4 Representative Staggers. We have another recorded vote.
5 I would like to make a statement I cannot be here tomorrow,
6 and when I am not here Paul will take over. I would hope we
7 could come back next week. I cannot see any hope of finishing
8 this thing tonight -- to go as far as we can go tonight after
9 a certain period.

10 When the House adjourns, I am going to be on my way to
11 keeping an engagement I promised to keep. I know two or three
12 members of the House have engagements tomorrow, they cannot be
13 here. Some of them are personal, some of them are political,
14 and I just do not believe it is possible to have a meeting
15 tomorrow.

16 Senator Muskie. You say we cannot have a meeting
17 tomorrow?

18 Representative Staggers. No, unless you can get a
19 quorum some way. How many can be here tomorrow?

20 (Four.)

21 Senator Baker. When you get to counting on the Senate
22 side, I apparently would be the only Republican that
23 could be present tomorrow. I am willing to do that, but I
24 ought to tell you that we are not likely to make a lot of
25 progress because we are going to be going through matters that

1 are of particular interest to Senator Dominici and Senator
2 McClure, and they are not going to be back until Monday.
3 While I am happy to meet tomorrow I speculate that I cannot
4 speak for them on most issues. I am not willing to speculate.
5 Representative Staggers. Is 9:00 satisfactory?
6 Representative Broyhill. We do not have any Republicans
7 at all that can be here tomorrow.

8 Senator Baker. I do not think there is any good
9 purpose to be served by meeting tomorrow morning if you do
10 not have minority members, and we do not.

11 (Discussion off the record.)

12 Representative Carter. I move we meet Monday morning
13 at 10:00.

14 Senator Randolph. I cannot be here, but I want you to
15 go ahead.

16 Representative Staggers. Can you be here Monday after-
17 noon?

18 Senator Randolph. No. I want you to go ahead, sir.

19 Representative Staggers. We have another vote on. We
20 might as well go and come back. I was trying to establish
21 something for tomorrow. We will stay here for a while tonight.

22 Senator Muskie. Go ahead.

23 Representative Staggers. We have a filibuster on.

24 Senator Muskie. We will match yours against ourselves.

25 (Discussion off the record.)

1 Representative Rogers. Could the conference come to
2 order, please? If we could go to item 39 and the staff could
3 explain.

4 Mr. Billings. Let me take the first cut, Mr. Chairman.
5 The Senate bill provides a series of amendments designed to
6 -- so-called market industry from any unfortunate anti-competitive
7 impact of the five-year 50,000-mile performance warrants in
8 the clean air act which was changed by the Senate bill. The
9 House bill includes a provision which reduces that performance
10 warrant from five years and 50,000 miles to 18 months and
11 18,000 miles.

12 The staff compromise proposal would adopt the House
13 provision for three years. Those three years commencing the
14 first model year in which the use test in which the law
15 requires to trigger that warrant is in effect. During the
16 first two years the Federal Trade Commission would be required
17 to do a study on the anti-competitive impact of the warranty.

18 That warranty and any other warranty, and the Environ-
19 mental Protection Agency would be required to do a study on
20 any environmental implications or changes in the warranty.
21 Then for one additional year the 18 months-18,000-mile
22 warranty would exist to provide Congress an opportunity for
23 any appropriate action as a result of those two studies.

24 At the end of the three-year period the law would
25 revert to the five-year-50,000-mile in the current law.

1 Representative Rogers. All right. Do I hear a motion?

2 Representative Carter. Mr. Chairman, on this we know
3 the House position took the McCollister amendment on that.

4 Representative Rogers. This does for three years.

5 Representative Carter. I understand.

6 Representative Rogers. They do that study in two.

7 Representative Carter. It is a different thing. It
8 would have been indefinite under the McCollister amendment,
9 would it not?

10 Representative Rogers. That is right, and the Senate ---

11 Representative Carter. This was not controversial in
12 the House, they accepted it in its entirety and I would hope
13 by leaving this on three years we might, after that time, do
14 a great deal of harm to our small parts dealers throughout the
15 country.

16 That is the argument that has been proposed by my
17 friend.

18 Representative Satterfield. I would like to ask a
19 question. What happens of the FTC. and FPC is not made on
20 time?

21 Representative Rogers. They do not ---

22 Representative Satterfield. Shall we make it a year from
23 the time the report is filed?

24 Representative Rogers. I think the Senate which was not
25 anxious to change the five-year-50,000 miles is willing to go

1 along for three years at 18.

2 Representative Satterfield. I understand that, and I
3 asked the question ---

4 Representative Scheuer. Mr. Chairman, what would you
5 think of a proposal to keep the five years and 50,000 miles
6 with the caveat that if the FTC fouling it was anti-competitive,
7 then it would revert to the 18,000 miles, 18 months, if the
8 work can be done anywhere.

9 Representative Rogers. I think the House position already
10 is that it is 18. What Mr. Satterfield was saying should
11 there be a specific time or so much on after the study has
12 been presented. But I think the Senate was willing to recede
13 from the five years and 50, to go three years on this.

14 Let us have the study then revert back, and unless the
15 Congress decided that study should extend to three years.

16 Representative Broyhill. Mr. Chairman, I hope I under-
17 stand what is in this Proposal No. 39, because as I understand
18 what it does is to completely change the intent that we had
19 in our bill and, I would hope, that the House conferees would
20 stay with the House bill.

21 We have debated this at considerable length in the
22 committee. It was adopted by a considerable margin not only
23 in the committee, it was never questioned on the floor of the
24 House, and I think that it has substantial support. I think
25 it is a moderate stance that we are taking here. We are

1 involving the FTC study to assure that what we have done is
2 not anti-competitive, and we are going to have the benefit of
3 the FTC study and find it is anti-competitive, we can reverse
4 it. It reverts automatically. So I do not know what is fair.

5 Why not stay with what we have rather than make these
6 changes?

7 Representative Rogers. As I understand, the Senate bill
8 has five and 50. They were willing to go along with the
9 House and say that three years particularly during the two-
10 year study, they would go along with the House position.

11 Representative Maguire. I have a motion.

12 Representative Broyhill. That is not what it says here.
13 I apologize.

14 Representative Rogers. I think that is what it says.

15 Senator Muskie. Could I make an observation?

16 You know, it is not very often I am a voluntary party
17 to my own rape, and the gentleman from North Carolina refuses
18 to let me be. The Senate rejected the House provision. We
19 discussed it as long as you gentlemen did in the committee
20 and on the floor.

21 We had a roll call vote, so what we are proposing is
22 what the staff has proposed. We have not agreed to this.
23 Do not treat this as something we have agreed to. I can be
24 as adamant about the Senate position as you can be about the
25 House position. This is an interesting test of whether or

1 not it is possible to accommodate these two bills. I do not
2 know how many tests we are going to need before we conclude
3 it. So I have been quiet, and now I have been quiet again.

4 Representative Maguire. I think the Senate has been
5 most generous in accommodating itself in the House position.
6 I move we accept the proposal.

7 Representative Rogers. The motion is to accept the staff
8 proposal set forth in 39.

9 Representative Broyhill. I have a substitute, Mr.
10 Chairman. The substitute is to insist upon the House position.

11 Representative Rogers. All those in favor of the substitute
12 will say aye.

13 (Chorus of ayes.)

14 Representative Rogers. Opposed.

15 (Chorus of no.)

16 Representative Rogers. It would appear the no's have it.

17 Representative Broyhill. May I have a division?

18 Representative Rogers. Those in favor of the substitute.

19 Those opposed.

20 (Five)

21 Representative Rogers. Those in favor of the motion will
22 say aye.

23 (Chorus of ayes.)

24 Representative Rogers. Opposed, no.

25 Representative Broyhill. Could I have a roll call on

1 that because I do not think that ---

2 Representative Rogers. Who wants a roll call?

3 Call the roll.

4 The Clerk. Mr. Rogers.

5 Representative Rogers. Aye.

6 The Clerk. Mr. Satterfield.

7 Representative Satterfield. No.

8 The Clerk. Mr. Preyer.

9 Mr. Preyer. Aye.

10 The Clerk. Mr. Symington.

11 Representative Symington. No.

12 The Clerk. Mr. Scheuer.

13 Representative Scheuer. Aye.

14 The Clerk. Mr. Waxman.

15 Representative Waxman. Aye.

16 The Clerk. Mr. Florio.

17 (No response.)

18 The Clerk. Mr. Carney.

19 (No response.)

20 The Clerk. Mr. Maguire.

21 Representative Maguire. Aye.

22 The Clerk. Mr. Devine.

23 (No response.)

24 The Clerk. Mr. Carter.

25 Representative Carter. No.

1 The Clerk. Mr. Broyhill.

2 Representative Broyhill. No.

3 The Clerk. Mr. Madigan.

4 (No response.)

5 The Clerk. Mr. Rogers has Mr. Florio's proxy.

6 Representative Rogers. Mr. Florio votes aye.

7 The Clerk. Mr. Rogers has Mr. Carney's.

8 Representative Rogers. Carney votes aye.

9 The Clerk. Mr. Broyhill has Mr. Devine's.

10 Representative Broyhill. Devine votes no.

11 The Clerk. Mr. Broyhill has Mr. Heinz'.

12 Representative Broyhill. No.

13 The Clerk. Mr. Heinz.

14 Representative Broyhill. Votes no.

15 The Clerk. Mr. Broyhill has Mr. Madigan's.

16 Representative Broyhill. Madigan votes no by proxy.

17 Representative Carter. Mr. Chairman.

18 Representative Rogers. Here is Mr. Staggers' proxy, too.

19 Representative Carter. Mr. Chairman, our committee has

20 a conference on the floor and there is no one on my side on

21 the minority side to handle ---

22 (Discussion off the record.)

23 Representative Broyhill. Can we announce the vote?

24 Representative Rogers. Yes.

25 The Clerk. Mr. Staggers? Mr. Rogers has Mr. Staggers'

1 proxy.

2 Representative Rogers. Staggers votes aye.

3 The Clerk. Mr. Symington.

4 Representative Symington. I go off no on aye.

5 The Clerk. The vote is nine ayes and six no's.

6 Representative Rogers. The House agrees to the language
7 in the proposed ---

8 Representative Carter. Since this legislation does
9 concern you and this committee, I suggest that we go and I
10 do not mean that with any ---

11 Representative Rogers. I understand.

12 Representative Carter. You and I both were vitally
13 interested in that.

14 Representative Rogers. Off the record.

15 (Discussion off the record.)

16 Representative Rogers. Can we come back at 6:30? Let's
17 recess then until 6:30 back in this room here.

18 (Whereupon, at 4:50 p.m. the conference adjourned, to
19 reconvene at 6:30 p.m. the same day.)
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(The conferrees reconvened at 7:20 p.m., Senator Edmond G. Muskie and Representative Paul G. Rogers, presiding.)

Senator Muskie. I will make an announcement.

As I have said in the other conference, I have no plans to come back next week, and I don't intend to unless I see some prospect.

What I would like to suggest to you is to get a sharper focus on the subject. I would like to propose that the Senate conferrees present or offer to the House a Senate bill listing those items which have been agreed to up to now as a proposal.

I would not expect you to respond to this here tonight. Rather, I would hope that you could take that proposal over the weekend and determine what you might like to add to it. I would like us to narrow our attention to those items which are specifically critical. By additions, I also mean deletions and amendments.

If we approach it through that process or that procedure with some restraint on both sides, recognizing that we are not where either side would like, that we have to focus on what is the hard core of what we need.

If we respect this policy, I think that we could then get somewhere. We could, then, meet on Tuesday. I have a full day scheduled on Monday, so I could not meet on Monday.

1 I have one on Tuesday, too, but if this procedure holds some
2 promise, I am willing to follow it.

3 Senator Randolph. Chairman Muskie, I think that this is
4 helpful, the frame of reference that you have mentioned and
5 the procedures, between now and the Tuesday date.

6 Representative Rogers, I have talked with him and others,
7 we continue always to be hopeful in spite of the pressures.
8 I would hope that we would be able to have either the Clean
9 Air Act Conference in the morning, and the Water Pollution
10 Control Conference in the afternoon of Tuesday. Which
11 conference comes first, that would be immaterial to me.

12 Mr. Rogers. I think that it would be helpful to Chairman
13 Staggers if we could have it in the afternoon. Although I
14 don't think that it matters on Tuesday.

15 Senator Baker. I want to say that I am greatly encouraged
16 by what appears to be an arrangement that may lead us to a
17 final solution of this problem. I think that this is a good
18 proposal. I think that there is good hope that by using this
19 technique we can identify the areas where fruitful negotiations
20 can be undertaken.

21 I take it that the proposal contains the automobile
22 package, and that too will be before us for consideration.

23 I would only say in closing, Mr. Chairman, that Tuesday
24 is time enough, but just barely so. We should approach it
25 with the idea that we are going to get a bill, and we ought to

1 do it on Tuesday.

2 In the meantime, I would hope that it would be agreeable
3 to the chairman that the House and Senate staff could work
4 on that over the weekend, or could try to identify opportu-
5 nities and difficulties.

6 Senator Randolph. I would so move. I think it is good
7 to have it for the record, and I would so move.

8 Senator Muskie. Is that the with of the Senate
9 conferrees?

10 Without objection, it is agreed to, and we make that
11 offer.

12 Mr. Broyhill. You have offered the items that have been
13 agreed to up until now, plus the Senate bill. You would
14 expect that the House would make a counter-offer to those
15 items that are left in the Senate bill that have not been
16 acted on. Is that the understanding?

17 Mr. Rogers. Unless we accept the proposal as it is.
18 In other words, we have the option here. Is a counter-offer
19 expected from the House to amend any other areas, and will
20 those be considered item by item and voted on.

21 Senator Muskie. I am offering this for the purpose of
22 amendments.

23 Mr. Broyhill. What I am saying; for example, the Senate
24 had four or five of the items that they wanted to amend.
25 Would it be possible to amend each of those separately, or

1 would we have to take it as a package?

2 Senator Muskie. We would offer it to you as a package.
3 If we decide to come back, I think that we would have to
4 consider individual items as you raise them. I don't see any
5 other way.

6 Mr. Rogers. It is possible that the House side may
7 decide to present you with a package back.

8 Mr. Broyhill. Is it possible that the House conferees
9 could meet together Monday afternoon?

10 Mr. Rogers. This is what we would try to do on Monday,
11 meet together and make our counter-offer available.

12 Senator Muskie. If you come up, in advance of Tuesday,
13 with proposals which you intend to present to us on Tuesday,
14 it might be helpful to give them to us in advance.

15 Mr. Rogers. We will be in touch with the staff.

16 Mr. Broyhill. We are not in any way at this time
17 accepting the Senate bill?

18 Mr. Rogers. We have not yet voted to do so.

19 Mr. Broyhill. We will not do that until Tuesday, I
20 presume.

21 Mr. Rogers. That is the pleasure of the group.

22 Mr. Broyhill. You will let us get together as a bipar-
23 tisan group.

24 Mr. Carter. Mr. Chairman, my question is; those agree-
25 ments that we have made, they are binding. We will not go

1 over them. Is that correct?

2 Mr. Rogers. I think that any are subject to change,
3 bargaining and so forth.

4 Mr. Broyhill. Your proposal, of course, does include
5 the section that Dr. Carter is interested in.

6 Mr. Scheuer. I am not going to be here on Monday or
7 Tuesday. I want to clarify one subject on one point. I am
8 interested in the Point 40, the vehicle inspection and
9 maintenance program.

10 Now, the Senate and the House staff worked out what I
11 believe to be an excellent compromise, and I have no problem
12 with it whatsoever. Assuming that the House Members were
13 willing to accept this compromise, would there be any objec-
14 tion by any of the Senators present to the Item 40 as it is
15 stated here?

16 Senator Baker. Senator McClure is not here, but it is
17 my understanding from his representative that he does object.

18 Mr. Scheuer. There is no transportation control by area.
19 So you may have some feeling about this from a national view-
20 point, but it would not affect any interest in the State
21 because there is no transportation control by area.

22 Senator Baker. Senator McClure had a reservation. He
23 wanted to go over this and see some language.

24 Senator Hart. I wanted to ask the same question but in
25 a broader context. What about those House provisions that

1 were passed over, which we were going to come back to. What
2 would be their standing?

3 Senator Muskie. The House would have to decide on which
4 ones they would offer.

5 Senator Hart. We would be able to amend the package, if
6 you don't bring them out.

7 Mr. Broyhill. Another question that falls in the area
8 of inquiry, really. Do I understand that the "after market"
9 amendment that we voted on on the House side was accepted by
10 the Senate?

11 The reason I ask that is because what you said was to
12 those that have been accepted ---

13 Senator Muskie. I thought that this had been taken care
14 of when I left.

15 Mr. Broyhill. There was no official acceptance of that
16 amendment, Item 39, by the Senate side.

17 Senator Muskie. May we have a Senate vote on compromise
18 of the "after market" provision which we discussed earlier.
19 We have to finish that job.

20 All those in favor say aye; opposed, no.

21 Mr. Broyhill. Item 39 is passed?

22 Mr. Rogers. Also, we had voted on 19 and 20, but the
23 Senate had not taken their vote.

24 Senator Baker. I am advised that Senator Domenici and
25 Senator McClure wanted those passed.

1 Mr. Rogers. May I say for the House, Senator, that this
2 shows that we are trying to get together. I am encouraged.
3 I think that we can get a bill. We will take your proposals,
4 we will go over them carefully. We will get together with
5 the staff, and we will be ready to meet with you on Tuesday
6 morning or Tuesday afternoon.

7 Senator Randolph. Let us not finalize that.

8 Mr. Rogers. But at least Tuesday.

9 Mr. Broyhill. You will call the conferrees together.
10 Mr. Preyer cannot be here until Monday afternoon, and Mr.
11 Stagers cannot either.

12 Mr. Rogers. We will try to gather together Monday after-
13 noon.

14 Thank you so much.

15 (Whereupon, at 7:40 p.m., the conference terminated.)
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